IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.2170 OF 2005

IN

APPEAL (L) NO.632 OF 2005

AND

APPEAL (L) NO.632 OF 2005

...

M/s.Karrox Technologies Ltd. ...Appellant

v/s.

M/s.Lotus Cimputer Centre Pvt. Ltd. ...Respondent

...

None for the Appellant.

Ms.Nita Solanki i/b Kiran Jain & Co. for the Respondent.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 19TH JULY, 2007

P.C.:

1. This Notice of Motion has been taken out for condonation of delay in filing the Appeal against the order dated 15th April, 2005 passed in Notice of Motion No.1058 of 2005 in Summary Suit No.2405 of 2001.

2. The learned Counsel appearing for the Respondent points out to us a copy of the order dated 25th October, 2005 passed in Summons for Judgment No.212 of 2005.

3. Perusal of that order shows that that order has been passed by consent of the parties and in view of that order the Appeal does not survive. Therefore, there is no question of considering the motion on merits.

4. Motion and Appeal are, therefore, disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)